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No. 08-287

Supreme Court, U.S.
FILED
NOV 28 2008
OFFICE OF THE CLERK

In the

SUPREME COURT of the UNITED STATES

MIKE BELLO
Petitioner.

v.

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS

PETITION FOR REHEARING

Mike Bello, Pro se
4200 S. Hulen # 672
Fort Worth, Tx 76109
(817) 732-8800

QUESTIONS PRESENTED

The causes and actions of September 1, 2006, where a District judge for the United States District Court for the Northern District of Texas, entered order disbarring an attorney admitted to practice in the jurisdiction since 2002, call for review. The acts were arbitrary and capricious and violate due process clause of the Fifth Amendment, of the U.S. Constitution.

The order disbarring attorney in this case, without dispute, is without adequate notice and opportunity for a hearing. The termination was arbitrary, capricious, callous and without cause in middle of a case rendering his client without representation and without remedy.

No matter what ground, or suspicions a court has, due process denial should not be acceptable. It is the bedrock and essence of the rule of law we profess[1].

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[1] Ex Parte Garland, 4 wall. 333, 380 (1867)

QUESTIONS PRESENTED - Continued

The United States Supreme Court, by virtue of its role as head of the judiciary is primarily the last arbiter on the issue concerning attorneys and the court's approach to attorney disciplines. Its silence on the matters in this case taints us all.

These issues demand this Court's attention because it forms the bedrock for attorneys and the courts as defender of citizens rights under law. Therefore, judicial discretion places the duty to speak on these issues, before this court. These underlying facts and evidence evoke an extremely important question founded on the jurisprudence of due process.

1. The Question Presented therefore, is whether the duty to determine acceptable procedure for attorney discipline rests with this Court or it is the responsibility of another arm of our government?

LIST OF INTERESTED PARTIES

The List of Interested Parties below:

1. Mike Bello, Esq., Pro se Petitioner
4200 S. Hulen ste 672
Fort Worth, Tx 76109

2. Toni Williams Petitioner's Client with interest 4833 Eastover St. Fort Worth, Tx 76119, Client in civil case, No. 4:04-CV-246-Y was removed from her case without her consent and over her protest.

3. Judge, Terry R. Means
United States District Judge- Fort Worth, Texas

4. United States Solicitor General
Acting Solicitor General of the United States Room 5614, 950 Pennsylvania Avenue. N.W. Washington D.C. 20530-0001
202 514-2217

CORPORATE DISCLOSURE STATEMENTS

The corporate disclosure statements are non applicable to the case.

Respectfully Submitted

Mr. Mike Bello Esq., (Pro-Se)
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Petitioner

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STATEMENT OF JURISDICTION

Pursuant to the United States Supreme Court Rule 30.3., this Court has Jurisdiction and the Petition for Rehearing is submitted within the 25 days provision. This Court entered an order denying the application for writ of certiorari on November 3, 2008, and the motion for rehearing is submitted timely, today Friday November 28, 2008.

This Court has the sole final jurisdiction on matters involving attorneys discipline and judicial misconducts involving United States Courts and its officers. In addition to the discretionary powers of review conferred on the Court on these proceedings by the Constitution, it has actual as well as inherent jurisdiction, 28 U.S.C. § 1254 (1), for certiorari to the Court of Appeals.

The United States Supreme Court has duty and obligations to review this attorney-judicial officer disciplinary matters in view of its inherent powers

as well, under the Judicial Conference and Disbility Act, 28 U.S.C. §§ 351-364. More so in view of the achievement of this Court, after over 22 years of inconsistent procedures involving review of judicial misconducts, in adopting the "Breyer Committee Report" after public review and promulgated in March 11, 2008, by the Judicial Conference of the United States.

STATEMENT OF THE CASE

The District Judge for the United States District Court for the Northern District of Texas, sitting in Fort Worth initiated the actions which forms the causes of this Petition, when he issued two orders on August 25, 2006, presenting for the fist time to Petitioner the following:

1. That he, the United States District Judge, Terry R. Means, has been investigating the Petitioner.

2. That he has been collecting evidence to disbar the Petitioner.

3. That he has consulted, sought, conspired and collaborated with others to fabricate evidence to disbar Petitioner from the jurisdiction.

4. Finally, using the authority of his judicial office he disbarred the Petitioner without due process on September 1, 2006, from practice in the jurisdiction without cause, and without stated time duration. The Original Application for Writ contained a full summary of facts therefore, Petitioner would not bore the Court by repeating it here again unless directed to do so. The relevant matters are as follows:

Whether these issues require this Court's attention Whether defense of peoples' right depended on access to attorney representations and the guarantee of due process rights of the attorneys as well as that of their clients as they appear before the courts in the land?

Whether flagrant violation of the due process clause by a United States Judge on attorney discipline based on fabricated evidence, which when presented to a state's supreme court disciplinary board, was soundly rejected for lack of due process in violation of the Constitution, demands the Court's review in view of its long standing finality on constitutional authority?

The underlying facts and evidence raised several extremely important questions founded on due process jurisprudence. For these reasons and the important jurisprudence value Petitioner files his Motion for Rehearing to this Court on the decision denying his Application for Writ of Certiorari.

The fact that the Court of Appeals for the Fifth Circuit presented no factual record or evidence, in its decision and fail to provide on-point authority before rubber stamping the extreme and abnormal actions of the District Court in violation of United States Constitutions, demands this Court's review.

Though, the opinion was designated not suitable for publication, it does not escape the attention of concerned jurists across the country.

REASONS FOR GRANTING THE PETITION FOR REHEARING

The intervening events in this case are many, however Petitioner files his Petition for Rehearing to show that serious errors of law would occur if the Court were to remain silent on these legal issues.

It is well settled, that matters concerning the culpability of judges for actions taking while on the bench are left entirely to the rules and decisions adopted and entered by this court.

Likewise, laws enacted by Congress granting legal recourse and remedies to persons whose civil civil liberties have been violated by judges, while sitting on the bench, have been consistently limited by this court.

Therefore, it is due and necessary for the Court to address these issues in view of the great chance and opportunities presented by the legal questions raised by this case.

1. **The Question Presented therefore, is whether the duty to determine acceptable procedure for attorney discipline rests with this Court, or it is the responsibility of another arm of our government?**

We believe the answer would be yes, under the circumstances.

The final authority on the subject matter involved in this case lies entirely with this court, since the United States Court of Appeals for the Fifth Circuit passed the ball, in its decision. The unpublished opinion by the Court of Appeals, though out of sight, it is not out of mind for concerned jurists in view of its implications on acceptable proceeding standards.

It is also well settled and broadly accepted, that the constitutional protection embodied in the United States Constitution and holdings on them decided by this Court is the laws of the land and must be met by the various states, at the minimum. Except that the states may provide more protection than this Court's provisions, but not less on any of the decided issues.

In this case, following the provisions concerning attorney discipline and due process requirements long established by this court in, *In re Oliver*, 333 U.S. 257 (1948); *In re Snyder* , 472 U.S. 634 (1985) and their progeny. This Court has consistently and vigorously upheld, and relied on these holdings on due process, even where the persons were alleged terrorists. See, *Hamdan v. Rumsfeld*, 548 U.S. 557 (2006).

The due process issue involving court of the United States and attorney, should be addressed in order to resolve the apparition created by its silence.

Importantly in view of the Court's well accepted and long standing position as the final arbiter on issues of constitutional authority concerning matters such as, those present in this case.

CONCLUSION

Therefore, for the forgoing reasons, Petitioner's Petition for Rehearing should be granted.

Respectfully Submitted

Mr. Mike Bello Esq., Pro-Se
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Fort Worth, Tx 76109
Tel: 817 732 8800

CERTIFICATE OF COUNSEL

I hereby certify that this Petition for Rehearing is submitted in good faith and not for delay. This Petition for Rehearing is restricted to the grounds set out in Rule 44.2.

_____

Mike Bello, Esq., Pro-se